

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00197

JIMMIE WADE LEMASTER, JR.

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 24, 2011, the United States of America appeared by Michael B. Hissam, Assistant United States Attorney, and the defendant, Jimmie Wade Lemaster, Jr., appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a three-year term of supervised release in this action on November 20, 2009, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 5, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant participated in a robbery and shooting near Culloden, West Virginia, on November 24, 2009, for which he has been charged in Cabell County Magistrate Court with first degree armed robbery, nighttime burglary and two counts of malicious wounding; (2) that the defendant committed the offenses of fleeing on foot and public intoxication for which he was arrested on November 28, 2009; and (3) that the defendant possessed two firearms during the above-referenced robbery and shooting as admitted by him to the probation officer; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

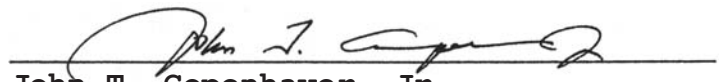
imposed upon the defendant in this action be, and it hereby is, revoked.

It is ORDERED that sentencing be continued so that it may be held at the same time as sentencing in Criminal Nos. 2:07-00064 and 3:11-00183 and is accordingly scheduled for 1:30 p.m. on January 19, 2012.

The defendant was remanded to the custody of the United States Marshal pending sentencing.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 16, 2011


John T. Copenhaver, Jr.
United States District Judge